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JUL 03 2006

Technology Center 2100

In re Application of: Kelly, et al.)	
Application No. 10/669,119)	DECISION ON PETITION TO
Attorney Docket No. 18602-08098)	WITHDRAW HOLDING OF
Filed: September 22, 2003)	ABANDONMENT UNDER 37 CFR
For: BUS TRANSACTION REORDERING)	\$1.181
IN A COMPUTER SYSTEM HAVING)	
UNORDERED SLAVES)	

This is a decision on the petition, filed August 2, 2005 requesting the Withdrawal of the Holding of Abandonment of the above-identified application, under 37 CFR §1.181. The instant application was held abandoned for failure to timely pay respond to the Office action (final) mailed January 26, 2005. The three-month shortened statutory period for response expired on April 26, 2005. A Notice of Abandonment has not yet been mailed.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

- 1) a statement from practitioner that the Office action was not received,
- 2) a statement from practitioner that the file jacket and docket records were searched,
- 3) a copy of the docket record at the address of record, and
- 4) a reference to the docket record in the practitioner's statement.

In support of the petition, applicants' representative provides a statement that the final Office action, mailed January 26, 2005, was not received and that a search of the file jacket and document records has been performed. Petitioner has also submitted a copy of the docket record at the address of record as well as a reference to the docket record in practitioner's statement.

Petitioner has established non-receipt of the final Office action according to the requirements set forth above. Accordingly, the petition is **GRANTED**.

It is noted that the Examiner of record has already remailed the final Office action to Applicant (on November 10, 2005). An amendment and response was received on March 14, 2006. Thus, the application will be forwarded to the Examiner for prompt consideration of the March 14, 2006 response. Any questions should be directed to the undersigned on 571-272-3595.


Brian L. Johnson
Special Programs Examiner
Technology Center 2100, Computer Architecture, Software, and Information Security